

REMARKS

The Section 103 Rejections of Claims 1, 3, 5-7, 13, 17 and 18

Claims 1, 3, 5-7, 13, 17 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Al-Salameh et al., U.S. Patent No. 6,317,231 ("Al-Salameh"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

On pages 2 and 3 of the Office Action, the Examiner acknowledges that Al-Salameh does not disclose any of the elements (a)-(d) of the present invention. Nevertheless, the Examiner appears to rely on his own personal knowledge to reject the claims as being obvious to one of ordinary skill in the art. Applicants respectfully submit that this is not a proper basis for rejecting claim 1.

If an Examiner relies on personal knowledge to support a finding of what is known in the art, the Examiner must provide an affidavit or declaration setting forth specific factual statements and an explanation to support such a finding (see 37 C.F.R. §1.104(d)(2) and MPEP 2144.03(c)). Accordingly, Applicants respectfully request that the Examiner either withdraw the Section 103 rejections or provide a sufficient affidavit or declaration in order to maintain the Section 103 rejections.

With respect to claims 3 and 5-7, these claims depend on claim 1 and are patentable over Al-Salameh for the reasons set forth above with respect to claim 1.

Applicants also note that the Examiner has similarly rejected claims 5, 13, 17 and 18 based on the Examiner's personal knowledge. As stated above, Applicants respectfully request that the Examiner either withdraw these rejections or provide a sufficient affidavit or declaration in order to maintain these rejections.

The Section 103 Rejections of Claims 8, 11 and 12

Claims 8, 11 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Al-Salameh in view of Joline et al., U.S. Patent No. 6,005,696 ("Joline").

Applicants note that claims 8, 11 and 12 depend on claim 1. Applicants respectfully submit that Joline does not make up for the deficiencies of Al-Salameh as set forth above with respect to claim 1. Accordingly, Applicants respectfully submit that claims 8, 11 and 12 are patentable over the combination of Al-Salameh and Joline. Applicants respectfully request withdrawal of the pending rejections and allowance of claims 8, 11 and 12.

Applicants also note that with respect to claims 11 and 12 the Examiner acknowledges that the combination of Al-Salameh and Joline does not disclose that a target parameter can be a fixed parameter or can be set based on a performance parameter. Nonetheless, the Examiner rejects claims 11 and 12 based on the Examiner's personal knowledge. Again, as set forth above, Applicants respectfully request that the Examiner either withdraw the

rejections or provide a sufficient affidavit or declaration in order to maintain these rejections.

The Rejection of Claim 9 based on Section 103

Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Al-Salameh in view of Joline and in further view of Khaleghi, U.S. Patent No. 6,069,718 ("Khaleghi"). Applicants respectfully disagree and traverse this rejection for at least the following reasons.

Applicants note that claim 9 is dependent on claim 8 which is dependent on claim 1 and further note that Khaleghi does not overcome the deficiencies with respect to Al-Salameh as set forth above. Accordingly, Applicants request withdrawal of the pending rejection and allowance of claim 9.

The Section 103 Rejections of Claims 10 and 14

Claims 10 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Al-Salameh in view of Khaleghi. Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Applicants note that claim 10 is dependent on claim 8 which depends on claim 1; and that claim 14 is dependent on claim 13. Applicants respectfully submit that Khaleghi does not overcome the deficiencies with respect to Al-Salameh as set forth regarding claims 1 and 13. Accordingly, Applicants respectfully submit that claims 10 and 14 would not have been obvious to one of ordinary skill in the art upon reading the disclosures of Al-Salameh and Khaleghi at the time the present application was filed. Applicants respectfully

request withdrawal of the pending rejections and allowance of claims 10 and 14.

The Section 103 Rejections of Claims 15 and 16

Claims 15 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Al-Salameh in view of Khaleghi and in further view of Joline. Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Applicants note that claims 15 and 16 depend on claim 13. Applicants further note that neither Khaleghi nor Joline overcome the deficiencies with respect to Al-Salameh as raised above with respect to claim 13. Accordingly, Applicants respectfully submit that claims 15 and 16 would not have been obvious to one of ordinary skill in the art at the time the application was filed. Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 15 and 16.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

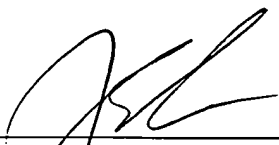
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit

Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By



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